

Our policy to remove Castro has failed for decades, in fact it has had the opposite affect. We simply are compounding the problem.

We are like an accident victim who has suffered a gash, and we think we can stop the bleeding by cutting ourselves some more.

The column follows:

[From the New York Times, Mar. 14, 1996]

CANADA, BACKED BY MEXICO, PROTESTS TO UNITED STATES ON CUBA SANCTIONS

(By Richard W. Stevenson)

WASHINGTON, March 13.—In a sign of the growing tensions between the United States and its trading partners over stepped-up American sanctions against Cuba, Canada said today that it had lodged a trade protest with the Clinton Administration, and Mexico immediately asked to join Canadian-American discussions on the issue.

Responding to a new American law that seeks to tighten the economic vise on Cuba by putting pressure on other countries not to do business with Fidel Castro's Government, Canada said it asked for consultations with the United States under the terms of the North American Free Trade Agreement.

Canada has extensive trade with Cuba, and has vigorously protested what it sees as unfair efforts by the United States to penalize Canadian companies and business executives who operate there.

Canadian officials said the law, sponsored by Senator Jesse Helms of North Carolina and Representative Dan Burton of Indiana, both Republicans, and signed on Tuesday by President Clinton, could violate the free trade agreement in several ways.

In Ottawa, Canada's Trade Minister, Arthur Eggleton, said his government would "seek clarification of U.S. intentions" in introducing the bill.

"Canada finds objectionable the Helms-Burton bill, which could interfere with companies engaged in legitimate business and which attempts to extend U.S. law to other jurisdictions," Mr. Eggleton said.

Mexican officials, expressing similar misgivings, said they supported the Canadian action, and wanted to take part in the consultations to get a clearer idea how the United States would carry out the legislation's most contentious measures.

A request for consultations is the first step in resolving trade disputes under Nafta, and could lead to a formal ruling on whether the American legislation violates the pact.

The legislation was passed by Congress and signed by President Clinton after the drowning of two small civilian aircraft by Cuban fighters last month. Among other things, it allows American citizens to sue foreigners and foreign companies that "act to manage, lease, possess, use or hold an interest in" property confiscated by the Cuban Government from people who are now American citizens.

It also permits the United States to bar entry to foreign corporate officers and controlling shareholders who take part in using such property and foreign executives whose companies do business in Cuba.

The United States Trade Representative, Mickey Kantor, said the American position "is entirely consistent" with both the rules of Nafta and the world trade talks.

In an interview, Mr. Kantor said that under the trade agreement the United States reserved the right to protect its security interests and to bar from entry people who have committed crimes of moral turpitude under United States laws.

"The combination of those two, or either standing alone depending on the situation, would support our position," Mr. Kantor said.

Federico Salas, the minister for political affairs at the Mexican Embassy in Washington, said "The Canadians have taken the initiative and we have requested to participate in these consultations." The European Union said last week that the law would "represent the extraterritorial application of U.S. jurisdiction and would restrict E.U. trade in goods and services with Cuba."

Russia also objected to provisions in the law linking American foreign aid to Russia to Moscow's cutting its military and economic ties to Mr. Castro. ♦

INTERNATIONAL BRIBERY

Mr. FEINGOLD. Mr. President, export promotion is a critical component of both domestic economic growth in this country and of our foreign policy. One of the barriers to more trade for U.S. companies has been a virtual subsidy by the governments of many of our trade competitors for offering bribes to win foreign contracts. Of course, U.S. business is prohibited from engaging in bribery by the Foreign Corrupt Practices Act. While there have been calls to repeal the FCPA, for almost 2 years, I have been working to promote universal acceptance of the principles of the FCPA. I introduced legislation last year to move forward in that direction. A version of the proposals were included in the Senate State authorization bill, but not included in the conference agreement.

For a problem that no one seems to want to talk about publicly, there has been some important movement to help eradicate this practice in Europe. Two years ago the Organization for Economic Cooperation and Development a group of 26 major industrialized countries, passed a resolution to "deter, prevent, and combat bribery." Now it has expanded on that by recommending that members terminate the tax-deductibility of bribes, such as allowed in Germany and elsewhere.

This is a significant step toward leveling the playing field for U.S. exports. It is also important that major newspapers, such as the New York Times and the Washington Post, have carried opinion pieces in the past couple of days on this issue. I ask that the articles be printed in the RECORD and commend them to my colleagues for their review. Bribery and corruption are serious impediments to our exports, and promote bad business practice. We should be supportive of efforts, such as the recent initiatives by the OECD to help protect American business.

The articles follow:

[From the Washington Post, Apr. 16, 1996]

AN END TO CORRUPTION

(By Robert S. Leiken)

If a German bribes a German, he gets thrown in jail; if he bribes a foreign official he gets a tax deduction. Only American businessmen can be prosecuted at home for bribing foreigners.

But the day when U.S. business was a solitary straight arrow seems to be ending. This is not because the Foreign Corrupt Practices Act (FCPA) has become a dead letter. IBM-Argentina, now under federal investigation,

can testify to that. What may be opening a new chapter in commercial diplomacy is a revolution in public opinion, the repudiation of bribery and kickbacks by societies that once tolerated them.

Last week the Organization for Economic Cooperation and Development (OECD), the league of wealthy industrial nations, recommended that is members stop allowing tax write-offs for bribes. Sources close to those protracted negotiations said that the public reaction to recent bribery scandals helped overcome resistance to the measure led by France, Germany and Japan.

The end of the Cold War, the spread of democracy, the rise of civil societies have sparked disclosure of corruption East and West. This is the case not only in the former Soviet bloc but also among Western allies where military regimes or ruling-party dominance has given way to competitive politics.

An intriguing community of interests is forming between U.S. corporations and democracy. For the solution to translational bribery lies not in a futile attempt to repeal the Foreign Corrupt Practices Act but in universalizing it and supporting reforms in emerging countries.

Corruption is being challenged by opposition parties, and unmuzzled press, religious groups and other nongovernment organizations, as well as prosecutors, magistrates and other civil servants. Anti-corruption movements have emerged in countries as diverse as Argentina, Cambodia, Italy, Hungary, Pakistan, Saudi Arabia, El Salvador, South Korea, Switzerland, Taiwan, Tanzania, Thailand, New Zealand and Zimbabwe. Citizens who have silently endured corruption for generations now take to the streets to protest corrupt practices, to elect anticorruption candidates and to impeach corrupt presidents, vice presidents, premiers, cabinet ministers and party leaders.

Many countries have appointed national commissions to recommend reforms and have established government agencies to prosecute abuses. Small countries are beginning to make known their anticorruption sentiments. Recently, for example, Malaysia and Singapore each declared several foreign firms caught bribing officials ineligible for bidding on future contracts.

The stakes are enormous for U.S. companies and workers. As emerging nations drop trade barriers and privatize state monopolies, more than \$200 billion of export and investment contracts will be open to international bidding. Our trade rivals understand that these contracts will determine who builds tomorrow's economies. The U.S. Department of Commerce has calculated that from April 1994 to May 1995 nearly 100 foreign contracts worth \$45 billion were lost to foreign competitors through graft. The most egregious bribers, according to U.S. government and business officials, include companies from Japan, France, Germany, Spain, Britain, Taiwan and South Korea.

These bribes cost Americans jobs, and since less competitive firms must bribe to win contracts, they cost emerging countries efficiency—which is what they need most. Studies show corrupt procurement practices deter foreign investment while as much as doubling the price that emerging countries pay for goods and services.

As globalization offers corporations more options, corruption has come to be a factor in choosing where to invest. Meanwhile, emerging nations wishing to shed bad reputations have begun to court firms with "squeaky clean" images. In some emerging markets, U.S. firms now advertise their liability to the FCPA as surety of their integrity. Several governments have engaged the "credibility services" of reputable Western

firms in such tasks as procurement, accounting and auditing.

Bribery and corruption are no longer unmentionables in international diplomacy. A Convention Against Corruption will soon criminalize "transnational bribery" throughout the Western Hemisphere. The treaty provides for extradition of corrupt officials and urges transparency in hiring and procurement as well as laws against the "illicit enrichment" of government officials. When the United States goes to international forums to demand a level playing field it can take Canada and the developing nations of the hemisphere with it. Along with its success at the OECD, Washington is also making headway in getting the new World Trade Organization to universalize transparent procurement practices. Top administration officials want the United States to press for a recommendation at the next G-7 meeting to criminalize transnational bribery—in other words, to universalize the Foreign Corrupt Practices Act.

The way impatience with corruption is crossing frontiers recalls the human rights campaigns of past decades. Transparency International, modeled on the human rights organization Amnesty International, was formed in Germany in 1993.

Yesterday the guilty's first line of defense was that human rights was "an internal matter." But dissidents welcomed and were emboldened by international attention. Human rights subsequently became a universal watchword. Today opponents of corruption insist that "sunlight is the best disinfectant." During this crucial stage when democracy and must institutionalize or perish, "transparency" may emerge as a banner.

For the first time in 60 years, there is no international danger of tyranny. Our national interest is more immediately menaced today by such "unconventional" dangers as international crime cartels, the smuggling of weapons of mass destruction, drug trafficking, the spread of pestilent viruses—all of which entail corrupt government officials. Corruption has been provided the pretext for tyrants to topple fledgling democracies. Already, pervasive corruption has paved the way for reaction in and around Russia. Today's decisive battles for democracy and development may be fought on the terrain of corrupt practices.

[From the New York Times, Apr. 16, 1996]

A DEFEAT FOR BUSINESS BRIBERY ABROAD

The United States has successfully pressured its allies to stop subsidizing corruption. Western European governments routinely allow companies that pay bribes to win business contracts from foreign officials to deduct those kickbacks from their taxable income. Last week the Organization for Economic Cooperation and Development, a group of 26 major industrialized countries, agreed to end tax-deductible bribes. That does not go nearly as far as America, which outlaws foreign bribery altogether, would like, but it is a big first step.

Industrial countries outlaw bribes within their borders, but only the United States bars companies from paying bribes to foreign officials. That noble stance puts American business at a disadvantage when competing for a foreign contract against businesses that operate under no such constraints. The United States has labeled the payment of bribes a trade barrier and is fighting to get its trade partners to end the practice completely. The Administration says it has identified about 100 cases between April 1994 and May 1995 in which American companies lost business to those that paid bribes to foreign officials in order to win contracts in the construction, telecommunications and other lucrative industries.

So far, the United States has acted unilaterally—losing business but having a limited impact on corruption. By bringing the other major industrialized countries along, the anti-corruption campaign will pack more wallop and remove American companies as a special target of retaliation. The best way to fight corruption is to present a united front. That way the pressure on offending governments to clean up their act is maximized and the businesses of no one country are victimized. The Administration's lobbying may not end foreign bribes. But its multilateral approach is smart. •

IS IT NOT ENOUGH TO BE A RACIST

• Mr. SIMON. Mr. President, on Martin Luther King's birthday, the Washington Post had an op-ed piece by a long time friend of many of us, Hyman Bookbinder.

It was so good, I set it aside and I have now just re-read it.

For those of you who have read it before, it is worth reading again. For those who have not read it, they should.

I say this as one who participated in the civil rights struggle three and four decades ago. I visited the South as well as participated in programs in the North.

One of the things that has troubled me is the willingness of some to create a division between the black community and the Jewish community. When I was involved in the civil rights struggle, those in the white community who were most active in behalf of the rights of African-Americans were not Lutherans—which I am—nor Catholic—which my wife is—nor Baptist nor Presbyterian nor Episcopalians. They were people of the Jewish faith.

With the name of SIMON, people assume that I am Jewish and particularly when I get on some call-in radio program when there is a predominately African-American audience, I will occasionally get some of the haters on the phone. I have to add that happens occasionally in white communities.

I am pleased to say that compared to 50 years ago, anti-Semitism is not as great a problem today as it was then.

But we have to learn to become one Nation under God, indivisible and reach out to one another regardless of our personal background.

I ask that Hyman Bookbinder's article be printed into the CONGRESSIONAL RECORD.

The article follows:

IT IS NOT ENOUGH NOT TO BE RACIST

(By Hyman Bookbinder)

I'll never forget that moment 12 years ago. I recall it with special poignancy every Martin Luther King Day.

I was sitting in a reserved Senate gallery, and proud to find myself right behind Coretta Scott King, widow of the slain civil rights leader. The senators had just given overwhelming approval to the King holiday bill, which had already secured House approval. President Reagan, after long hesitation, had stated that he would now sign such legislation. So the Senate vote meant that the long campaign had finally succeeded.

At that moment, the senators all rose, turned to face Mrs. King, waved at her and applauded for some time. Mrs. King acknowledged the applause and then turned to her children sitting by her side and embraced each in turn. She then turned around and hugged me. We were not personal friends, but she knew I had done whatever I could on behalf of the American Jewish Committee to mobilize support for the legislation. As she hugged me, she spoke words I have cherished all these years:

"This is your holiday too."

I do not know whether Coretta King, at that moment, meant "your" to mean white American or Jewish American. But whichever, or both, her words were most gratifying because they reflected precisely what I had been urging for years—hoping, and I still do, that my fellow Jews and all Americans could feel that way.

On the several occasions that I had testified on behalf of the holiday, I had expressed the hope that the holiday would not only recognize the extraordinary attributes of an extraordinary black American, but would also provide the occasion for celebrating the unique cultures of our many religious, ethnic and racial groups even as we seek to enhance the common culture that binds us all as Americans.

Dr. King never failed to define his quest for racial justice as part of the goal of universal justice for all people. In his historic "Dream" speech, his ringing peroration called for speeding up "that day when all of God's children, black men, and white men, Jews and gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the Negro spiritual, 'Free at last, free at last, thank God Almighty, we are free at last.'"

In Martin Luther King Jr., American Jews always had a friend and an ally who understood Jewish agony even as we tried to understand the agony of his people. Only months before he died, he wrote, "It is not only that antisemitism is immoral—though that alone is enough. It is used to divide Negro and Jews—who, have effectively collaborated in the struggle for justice."

That collaboration can and most endure despite some difficult policy differences that have developed over how best to overcome the discrimination and disadvantage and inequality that persist. Dr. King would undoubtedly share his widow's satisfaction in knowing that every King holiday since 1985 has prompted more and more interracial and interreligious commemorations during which his life and work are remembered and commitments renewed to help realize his dream.

In the nation's capital, two events have always been particularly moving. At one, the Embassy of Israel fills its auditorium with several hundred invited guests from the political community, the Jewish community and the black community. Each year, one African American and one Jewish American are cited for their special contributions to civil rights. The other event, a collaboration with the city's principal black churches, fills the sanctuary of Washington Hebrew congregation at a Friday evening Sabbath service. The church choirs enrich the moving ceremony.

At this year's events, the year just ended provides grounds for much despair but also for some hope. The bigots and racists, the antisemites and hate groups are still doing their dirty work. Two much-reported events in 1995 painfully reminded us of the racial divide that persists. When Susan Smith said that "a black man" had kidnapped her children, she counted on anti-black stereotyping to add credibility to her story; when the lie was revealed, black Americans were furious.